

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

MAY 07 2018

Clerk, U.S. District Court  
District Of Montana  
Missoula

TANYA GERSH,

Plaintiff,

vs.

ANDREW ANGLIN,

Defendant.

CV 17-50-M-DLC-JCL

ORDER


United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations in this case on March 21, 2018, recommending that Defendant Andrew Anglin's ("Anglin") Motion to Dismiss be denied to the extent it seeks dismissal for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) and for lack of personal jurisdiction based on insufficient service of process pursuant to Rule 12(b)(5). Anglin failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error, the Court agrees with Judge Lynch that Anglin's Motion to Dismiss shall be denied pursuant to Rule

12(b)(1) and Rule 12(b)(5).

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 75) are ADOPTED IN FULL.

DATED this 7<sup>th</sup> day of May, 2018.



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Dana L. Christensen, Chief Judge  
United States District Court